

Assembly Bill No. 2543

Passed the Assembly August 11, 1998

Chief Clerk of the Assembly

Passed the Senate August 6, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Chapter 8 (commencing with Section 22000) to Division 21 of the Elections Code, to amend Section 60602 of the Government Code, to amend Sections 11823, 15963, and 24823 of, and to repeal Section 15964 of, the Public Utilities Code, to amend Sections 30733, 35056, and 74430 of, to repeal Sections 71541 and 71542 of, and to repeal and add Sections 21065, 60132, and 71540 of, the Water Code, to amend Section 15 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to amend Section 70 of the Protection District Act of 1907 (Chapter 25 of the Statutes of 1907), to amend Section 1.2 of the Orange County Water District Act (Chapter 934 of the Statutes of 1933), to amend Section 7 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), to amend Section 93 of the Antelope Valley-East Kern Water Agency Act (Chapter 2146 of the Statutes of 1959), to amend Section 3.2 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 4 of the San Geronio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), to amend Section 42 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the 1962 First Extraordinary Session), to amend Section 222 of the Monterey Peninsula Water Management District Act (Chapter 527 of the Statutes of 1977), to amend Section 220 of the Stanislaus County Flood Control Enabling Act (Chapter 421 of the Statutes of 1981), to amend Section 406 of the Pajaro Valley Water Management Agency Act (Chapter 257 of the Statutes of 1984), to add Section 223 to the Stanislaus County Flood Control Enabling Act (Chapter 421 of the Statutes of 1981), and to repeal Sections 1.4 and 1.6 of the Orange County Water District Act (Chapter 934 of the Statutes of 1933), relating to special districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2543, Torlakson. Special districts.



Under existing law, the boundaries of divisions of various special districts are specified in the statutes creating them.

This bill would provide that each district required by its authorizing act to adjust division boundaries pursuant to this bill, after each federal decennial census, and using that census as a basis, shall, by resolution, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population. The bill would specify other conditions of the adjustments. The bill would specify that districts are not required to adjust the boundaries of any division pursuant to these provisions until after the 2000 federal decennial census. This bill would revise laws relating to specific districts and specific types of districts to conform to this bill. The bill would impose a state-mandated local program by imposing additional duties on districts with respect to adjusting boundaries.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would make identical changes to the Elections Code alternative to those proposed by this bill that would become operative only if this bill and Senate Bill 1547 are both chaptered, in which case a specified provision of this bill would not become operative.

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 22000) is added to Division 21 of the Elections Code, to read:

CHAPTER 8. SPECIAL DISTRICTS

22000. (a) Each district required by its authorizing act to adjust division boundaries pursuant to this section



shall, by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 1973 of Title 42 of the United States Code, as amended, to the extent those provisions are applicable. In adjusting the boundaries of the district, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the district. This section does not apply to districts in which only landowners vote for directors or whose directors are all elected at large or appointed.

(b) The resolution specified in subdivision (a) shall be adopted by a vote of not less than a majority of the directors.

(c) At the time of, or after, any annexation of territory to the district, the board of directors shall designate, by resolution, the division of which the annexed territory shall be a part.

(d) No change in division boundaries may be made within 180 days preceding the election of any director.

(e) (1) A change in division boundaries shall not affect the term of office of any director.

(2) If division boundaries are adjusted, the director of the division whose boundaries have been adjusted shall continue to be the director of the division bearing the number of his or her division as formerly comprised until the office becomes vacant by means of term expiration or otherwise, whether or not the director is a resident within the boundaries of the division as adjusted.

(f) The successor to the office in a division whose boundaries have been adjusted shall be a resident and voter of that division.

(g) A district is not required to adjust the boundaries of any divisions pursuant to this section until after the 2000 federal decennial census.

(h) Nothing in this section shall be construed to prohibit or restrict a district from adjusting the boundaries of any divisions whenever the governing body



of the district determines by a two-thirds vote of the governing body that a sufficient change in population has occurred that makes it desirable in the opinion of the governing body to adjust the boundaries of any divisions, or whenever any territory is added by or excluded from the district.

SEC. 2. Section 60602 of the Government Code is amended to read:

60602. Each district shall be divided into five, seven, or nine areas. One member of the board shall be elected pursuant to this chapter from each area. The boundaries of all areas shall be adjusted pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 3. Section 11823 of the Public Utilities Code is amended to read:

11823. The board shall by resolution or ordinance fix the boundaries of the wards for the purpose of electing directors therefrom. The board of directors shall, by resolution, adjust the boundaries of any wards pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 4. Section 15963 of the Public Utilities Code is amended to read:

15963. The board of directors shall determine the boundaries of each unit of unincorporated territory within the district pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 5. Section 15964 of the Public Utilities Code is repealed.

SEC. 6. Section 24823 of the Public Utilities Code is amended to read:

24823. The board shall by resolution or ordinance fix the boundaries of the wards for the purpose of electing directors therefrom. The board shall adjust the boundaries of the wards for the purpose of electing directors therefrom pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 7. Section 21605 of the Water Code is repealed.

SEC. 8. Section 21065 is added to the Water Code, to read:

21065. (a) Notwithstanding any other provision of law, subdivision (b) applies to districts in which directors are elected by divisions.

(b) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 9. Section 30733 of the Water Code is amended to read:

30733. If the question submitted to the voters of the district pursuant to this article provides for the election of directors by divisions and is approved by a majority of the voters voting on the question, then:

(a) The board shall promptly by resolution divide the district into five divisions as nearly equal in population as practicable and assign a number to each division.

(b) The board shall, not less than 85 days prior to the general district election next after the election approving the election of directors by division, by resolution designate which divisions shall elect directors at that election to succeed the directors whose terms then expire. The remaining divisions shall elect directors at the general district election next following that election.

(c) Notwithstanding any other provision of law, subdivision (d) applies to districts in which directors are elected by divisions.

(d) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 10. Section 35056 of the Water Code is amended to read:

35056. (a) After the establishment of a resident voting district, the provisions set forth in Article 2 (commencing with Section 35025) of this chapter are no longer applicable. The board of directors may at any time establish divisions within the district.



(b) Notwithstanding any other provision of law, subdivision (c) applies to districts in which directors are elected by divisions.

(c) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 11. Section 60132 of the Water Code is repealed.

SEC. 12. Section 60132 is added to the Water Code, to read:

60132. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 13. Section 71540 of the Water Code is repealed.

SEC. 14. Section 71540 is added to the Water Code, to read:

71540. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 15. Section 71541 of the Water Code is repealed.

SEC. 16. Section 71542 of the Water Code is repealed.

SEC. 17. Section 74430 of the Water Code is amended to read:

74430. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 18. Section 15 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 15. (a) Notwithstanding any other provision of law, subdivision (b) applies to districts in which directors are elected by divisions.

(b) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.



SEC. 19. Section 70 of the Protection District Act of 1907 (Chapter 25 of the Statutes of 1907) is amended to read:

Sec. 70. (a) At least 30 days before the next general election of a district, the board of directors thereof shall make an order dividing the district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one director shall be elected by each division.

(b) The board of directors shall, by resolution, adjust the boundaries of any division adjusted pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 20. Section 1.2 of the Orange County Water District Act (Chapter 934 of the Statutes of 1933) is amended to read:

Sec. 1.2. (a) The board of directors shall, by resolution, adjust the boundaries of the first, second, third, fourth, fifth, sixth, and seventh divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

(b) The board of directors is not required to adjust the boundaries of the eighth, ninth, and tenth divisions of the district pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 21. Section 1.4 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), is repealed.

SEC. 22. Section 1.6 of the Orange County Water District Act (Chapter 934 of the Statutes of 1933) is repealed.

SEC. 23. Section 7 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is amended to read:

Sec. 7. (a) (1) The board of directors shall consist of seven members. The members of the board of supervisors of the county shall be ex officio members of the board of directors of the agency. Two members of the board of directors shall be elected by the voters in accordance with



this section. Each elected director shall be a registered voter, a resident of the county, and eligible to hold elected office. One elected director shall reside north of the Yuba River and shall be elected by the voters residing north of the Yuba River. The other elected director shall reside south of the Yuba River and shall be elected by voters residing south of the Yuba River.

(2) Notwithstanding paragraph (1), the board of directors shall, by resolution, adjust the boundaries of the geographical areas from which the two directors are elected to create two divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

(b) The term of office of the two elected directors shall be four years, except that the initial terms of office shall be staggered with one director, chosen by lot, serving for a term of two years. The two elected directors shall initially be elected at the general election held on November 6, 1990, and shall take office at the first meeting of the board of directors after January 1, 1991. One elected director shall thereafter be elected at each statewide primary election held in an even-numbered year, except that if no candidate receives more than 50 percent of the votes cast for the office at that election, the two candidates receiving the highest number of votes for the office shall be on the ballot at the general election held the following November. The elected directors shall take office at the first meeting of the board of directors after the first day of January following their election.

(c) Directors shall be entitled to receive from the agency the sum of twenty dollars (\$20) for each meeting attended, plus actual, necessary and reasonable traveling expenses. The basis for compensation of the directors, and the amount thereof, may be altered only by a five-sevenths vote of the directors. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. The board of directors shall elect a chairperson and vice chairperson. The chairperson shall preside at all meetings of the board and in case of his or her absence or inability to act, the vice chairperson shall



preside. In case of the absence of the chairperson and vice chairperson or their inability to act, the members present shall, by an order entered in the records, select a member to act as temporary chairperson. Any member of the board may administer oaths when necessary in the performance of his or her official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 24. Section 93 of the Antelope Valley-East Kern Water Agency Act (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 93. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 25. Section 3.2 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 3.2. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 26. Section 4 of the San Geronio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961) is amended to read:

Sec. 4. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 27. Section 42 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the 1962 First Extraordinary Session) is amended to read:

Sec. 42. The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 28. Section 222 of the Monterey Peninsula Water Management District Act (Chapter 527 of the Statutes of 1977) is amended to read:



Sec. 222. (a) After the adoption of the resolution by the board to establish resident voting divisions in the district, the board of directors shall establish the boundaries of the divisions.

(b) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 29. Section 220 of the Stanislaus County Flood Control Enabling Act (Chapter 421 of the Statutes of 1981) is amended to read:

Sec. 220. Under the provisions of this article, the local district, whether it is a landowner voter district or a resident voter district, shall be divided into five divisions.

SEC. 30. Section 223 is added to the Stanislaus County Flood Control Enabling Act (Chapter 421 of the Statutes of 1981), to read:

Sec. 223. (a) Subdivision (b) applies to local districts in which directors are elected by divisions.

(b) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 31. Section 406 of the Pajaro Valley Water Management Agency Act (Chapter 257 of the Statutes of 1984) is amended to read:

Sec. 406. (a) After the adoption of the resolution by the board to establish divisions in the agency, the board of directors shall establish the boundaries of the divisions.

(b) The board of directors shall, by resolution, adjust the boundaries of any divisions pursuant to Chapter 8 (commencing with Section 22000) of Division 21 of the Elections Code.

SEC. 32. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise



specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1998

Governor

